

HOUSE BILL 4272

By Rinks

AN ACT to amend Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, relative to the Charter for the City of Adamsville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article I, Section 1.02 by deleting subsection (f) in its entirety and by substituting instead the following:

(f) "Elector" shall mean any person residing or owning real property within the corporate limits of the city of Adamsville, and who is qualified and entitled to vote for members of the general assembly of the state of Tennessee. No more than two (2) persons shall be entitled to vote based upon the ownership of an individual tract of property, regardless of the number of property owners.

SECTION 2. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article I, Section 1.04 by deleting the language "by proper ordinance" from the first sentence.

SECTION 3. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is further amended in Article I, Section 1.04 by inserting the following new language as Subdivision 34 and by renumbering the present Subdivision 34 as Subdivision 35:

34. To create a design review commission which shall have the authority to develop general guidelines and to develop procedures for the approval of such guidelines for the exterior appearance of all non-residential property, multiple family

residential property, and any entrance to non-residential developments within such municipality; provided that such authority is subordinate to and in no way exceeds the authority delegated to a municipal planning commission pursuant to Tennessee Code Annotated, Title 13, Chapter 4. Any property owner affected by such guidelines may appeal a decision by the design review commission to such municipality's planning commission or, if there is no planning commission, to the entire municipal legislative body;

SECTION 4. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article II, Section 2.02 by deleting the first sentence in Subdivision 1 in its entirety, which reads as follows:

1. On the first Saturday in October in each odd numbered year, a nonpartisan, at-large, general municipal election shall be conducted by the county election commission.

SECTION 5. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is further amended in Article II, Section 2.02 by deleting Subdivisions 2, 3 and 4 in their entirety and by substituting instead the following:

2. On the first Saturday in October of 2009, the position of mayor and the two (2) commissioners' positions whose terms of office are expiring shall be filled for a term expiring on the first Monday in December, 2012. On the first Saturday in October of 2011, the two (2) commissioners' positions whose terms of office are expiring shall be filled for a term expiring in December, 2014. On the first Tuesday after the first Monday in November of each even numbered year, beginning in November 2012, a nonpartisan, at-large, general municipal election shall be conducted by the county election commission. Thereafter, elections shall be held every two (2) years to the end that the commissioners shall serve four (4) year staggered terms and the mayor shall serve a four (4) year term. Present incumbents in the positions of mayor and commissioners

shall continue to serve for the terms to which they were elected and until such time as their successors are elected and qualified.

3. The terms of office for the mayor and the commissioners elected in 2009 and 2011 shall begin at 12:01 P.M. on the first Monday in November following the election. The terms of office for the mayor and the commissioners elected in even numbered years shall begin at 12:01 P.M. on the first Monday in December following the election.

4. In the event that two (2) or more candidates for the same position receive the same number of votes at any city election, the outgoing city commission shall cast the deciding vote for the office, or, in the alternative, the city commission may by resolution call for a run-off election between the tied candidates conducted by the county election commission for the purpose of voting again for a candidate to fill such position or positions. Only the candidates receiving the same number of votes shall be eligible as candidates in the special election. The incumbent for such position shall serve until his successor has been elected in the special election and has been certified.

SECTION 6. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended by deleting Section 2.04 in its entirety and by substituting instead the following:

Section 2.04. Salaries of Mayor and Commissioners. The salaries of the mayor and commissioners shall be set by ordinance. The salary ordinance shall be adopted at least thirty (30) days prior to the qualifying deadline preceding the regular city election and any change in salary shall take effect only with the start of a new term of office for the mayor or commissioners.

SECTION 7. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article II, by deleting Section 2.06 and 2.07 in their entirety and by substituting instead the following:

Section 2.06. Quorum of Commission. A majority of all the members of the commission shall constitute a quorum. Any form of board action shall be adopted by the affirmative vote of at least three (3) members of the commission. The commission may

adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The commission may subpoena and examine witnesses and order the production of books and papers pertaining to internal operation of city affairs, and those of all boards and commissions.

Section 2.07. Mayor as presiding officer. The mayor shall preside at meetings of the city commission and will have a seat, a voice and a vote, but no veto power. The Mayor shall be recognized as the ceremonial head of the city and shall be the officer to accept process against the city and shall perform other duties imposed by this Charter and by ordinance not inconsistent with this Charter.

SECTION 8. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in the second sentence of Article II, Section 2.08 by deleting the language "his absence or inability to act" and by substituting instead the language "the mayor's absence or inability to act".

SECTION 9. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in the second sentence in Article II, Section 2.10 by deleting the language "solely through the mayor" and by substituting instead the language "solely through the city administrator".

SECTION 10. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article II, Section 2.11 by deleting Subdivision 4 in its entirety and by substituting instead the following:

4. All ordinances after final passage shall be signed by the mayor and the mayor's signature shall be attested by the city recorder.

SECTION 11. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article III, Section 3.01 by deleting the first sentence in its entirety, which reads as follows:

There is hereby established the departments of finance, fire, police, public works, health and sanitation, parks, and utilities, unless otherwise provided by ordinance.

SECTION 12. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article III, by deleting Sections 3.02 and 3.03 in their entirety and by substituting instead the following:

Section 3.02. Appointment of officers. The city commission shall appoint the city recorder and the heads of all departments and divisions created by this charter, or which may hereafter be created by the commission as provided in Section 3.01. Said officers shall be appointed for indefinite terms and they shall serve at the pleasure of the commission.

All officers shall be appointed with due regard to their qualifications and fitness and for the good of the public service and without reference to race, age, color, creed, sex, or political party affiliation.

Pursuant to Tennessee Code Annotated, Section 2-19-123, it is unlawful for any candidate for office or any candidate for appointed office, directly or indirectly, to give or promise any person any office, position, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person in violation of Tennessee Code Annotated, Sections 2-19-121—2-19-123.

Section 3.03. Duties of the Mayor. The mayor shall communicate any information needed, and recommend measures the mayor deems expedient to the commission. The Mayor shall countersign checks and drafts drawn upon the treasury and sign all contracts to which the municipality is a party. The Mayor shall make appointments to boards and commissions as authorized by law.

SECTION 13. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article III, Section 3.05 by deleting the last sentence in its entirety, which reads as follows:

Nothing herein is to be construed as prohibiting the city judge from also serving in administrative positions under this Charter.

SECTION 14. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in

Article III, Section 3.06 by deleting the first sentence in its entirety, and by substituting instead the following:

The city recorder shall be appointed by the city commission.

SECTION 15. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is further amended in Article III, Section 3.06 by deleting the second sentence in Subdivision 1 in its entirety and by substituting instead the following:

The recorder shall have custody of all papers, records and vouchers relating to the fiscal affairs of the city, and the records in the recorder's office shall show the financial operations and conditions, property, assets, claims, and liabilities of the city; all expenditures authorized and all contracts in which the city is interested.

SECTION 16. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is further amended in the second sentence of Subdivision 2 by deleting the language "his duty to collect" and by substituting instead the language "the recorder's duty to collect".

SECTION 17. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article III by adding the following new section:

Section 3.10. City Administrator.

1. Appointment of City Administrator. The commission shall appoint an operating administrative officer with the title of city administrator who shall be under the control and direction of the commission and who shall serve an indefinite term and may be removed from office by the commission.

2. Duties of the City Administrator. The city administrator shall be directly responsible to the commission to exercise general administrative responsibilities assigned to the city administrator for the coordination and direction of the activities of the operating departments, including, but not limited to:

(a) Preparation of an official agenda for all meetings;

(b) Preparation and administration of annual operating and capital improvement budgets;

(c) Preparation of reports for the commission;

(d) Acting as purchasing agent for the city in the purchase of all materials, supplies and equipment for the proper conduct of the city's business; provided, that all purchases shall be made in accordance with policies, practices and procedures established by the commission;

(e) Investigation of citizen's complaints;

(f) Application for grants and administration thereof;

(g) Administration of personnel policies including the employment, promotion, discipline, suspension and discharge of all employees, excluding department heads, in accordance with the personnel policies and procedures adopted by the commission; provided, however, the qualifications of all applicants for department heads shall be reviewed by the city administrator, and department heads shall be appointed or terminated only by majority vote of the commission;

(h) Maintaining all necessary intergovernmental relationships;

(i) Attending all meetings of the commission; and

(j) Such other duties as may be described by ordinance.

The city administrator need not be a resident of Adamsville at the time of appointment but promptly thereafter shall become and thereafter remain an actual resident of the city. Salary and other benefits incidental to the position shall be fixed by the commission.

In the temporary absence or disability of the city administrator, an employee of the city designated by the commission or the city administrator shall serve as city administrator. At any time during such absence or disability, the commission may revoke such designation and appoint another employee of the city to serve until the city administrator shall return.

SECTION 18. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in Article IV, by deleting Section 4.02 in its entirety and by substituting instead the following:

Section 4.02. City Administrator to submit annual budget. Not later than forty-five (45) days prior to the beginning of each fiscal year, the mayor and city administrator shall submit to the city commission a proposed budget for the next fiscal year. The proposed budget shall comply with the Municipal Budget Law of 1982 codified at Tennessee Code Annotated, Title 6, Chapter 56, Part 2.

SECTION 19. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended by deleting Section 4.03 in its entirety and by renumbering the subsequent sections accordingly.

SECTION 20. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in current Section 4.04 by deleting the section its entirety and by substituting the following:

Section 4.04. Action by Commission on budget. After the public hearing and before the beginning of the ensuing fiscal year the commission shall adopt an appropriation ordinance based on the mayor and city administrator's proposed budget with such modifications as the commission considers necessary or desirable. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall be continued for the new fiscal year until such time as the new appropriations ordinance is adopted. Amendments may be made to the original appropriation ordinance at any time after the city administrator certifies in writing that a sufficient amount of revenue will be available to cover the amendments.

SECTION 21. Chapter 79 of the Private Acts of 1945, as amended and rewritten by Chapter 42 of the Private Acts of 1987, and any other acts amendatory thereto, is amended in the first sentence of current Section 4.05 by deleting the language "the city recorder shall be responsible for controlling expenditures" and by substituting instead the language "the city administrator shall be responsible for controlling expenditures".



SECTION 22. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Adamsville within sixty (60) days after the act takes effect. Its approval or nonapproval shall be proclaimed by the mayor of the City of Adamsville and certified by him to the secretary of state within thirty (30) days thereafter.

SECTION 23. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 22.